



515 N. Flower Street
Santa Ana, CA 92703
(714) 834-3397
www.oc.ca.gov/lawlib/

Transcript

Newsletter of the Orange County Public Law Library

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Westlaw Patron Access Program: Enhancements Are Here!

by OCPLL librarians Leslie LaCount and Molly Solazzo, and
Michael Sulkin, Thomson-West representative


While patrons await completion of changes to our building, we are pleased to announce something new and exciting- significant enhancements to our Westlaw patron online subscription.

The Orange County Public Law Library recently added several thousand new Westlaw databases to its Patron Access Program, expanding upon the electronic legal research materials on Westlaw already available to patrons. Researchers now have access to analytical titles, such as the industry standards *California Jurisprudence*, *AmJur* and *American Law Reports* (ALR) in addition to case law and statutes. Encyclopedic materials such as *California Jurisprudence* and *AmJur* have the added functionality for patrons because of links directly to the applicable cases and statutes. The new materials also include all the Rutter Group practice guide series, including Weil and Brown's *Civil Procedure Before Trial*, which offer step-by-step guides and checklists on trial and pre-trial matters, like how to file, litigate, defend and appeal a case.

The new Patron Access materials also offer additional materials for the advanced legal researcher. For example, users can now research Legislative History materials such as committee reports and prior bill versions to determine legislative intent for a statute. California state court dockets are also available so that researchers can track the status of a case or search for companies or individuals that are currently involved in litigation.

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ON DISPLAY

This edition of *The Transcript* completes ten continuous years of publication. We are all very proud of our newsletter, which was judged in 2002 to be the best in the country by the American Association of Law Libraries. In our Fall display, we will include a sampling of past articles, books that they discussed, and related materials. 


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2005 AALL MEETING & CONFERENCE

by Mora Prestinary,, Reference Librarian


Several staff members attended the 2005 American Association of Law Libraries Annual Meeting & Conference this year. The theme for the Meeting, held in San Antonio, Texas, was **Strategize! Values Visions Vistas**.

Most County Law Libraries have experienced significant changes in the way they deal with the legal needs of the public. Not only are they experiencing budget shortfalls, but clearly, 2/3 of current patrons are non-lawyers. Law Libraries need to take another look at their short-term and long-range goals. As more and more (free and fee) legal materials make their way to the web, library staff need to devise new models for serving the public. As more of the mega legal materials providers, like LEXIS and WESTLAW, unbundle and repackage their products, library staff need to devise a system that takes legal materials to the users' desktop. That is where the big demand is imminent. As more and more pro se patrons make their way to the Library, library staff also need to redefine the way materials and information is delivered. This is the "big picture" that the Conference tried to convey to its participants. Strategize: enhance and change if necessary, the libraries' values, visions, and vistas! 

New Research Guides at OCPLL

by Mora Prestinary

Two new Research Guides are now available on our web page, <http://www.oc.ca.gov/lawlib/> :

- ✧ **Free Sources for Cases on the Internet** – includes sites for all California Courts as well as Federal and U.S. Courts.
- ✧ **Free Sources for Codes & Regulations on the Internet** – includes sites for California state codes and regulations, municipal and county codes and United States Codes and Regulations. 


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Westlaw Patron Access Program

California topical libraries, each containing multiple subject appropriate titles and forms, include Family Law, Insurance Law, Workers Compensation, Personal Injury Damages, and Business Law.

Major titles include:

- ✧ The Rutter Group Practice Guides (all)
- ✧ California Jurisprudence
- ✧ American Jurisprudence 2d
- ✧ American Law Reports (Including ALR 1st through 6th & ALR FED 1st and 2d)
- ✧ Miller & Starr Real Estate
- ✧ Norton Bankruptcy
- ✧ Federal Practice and Procedure
- ✧ Restatements of Law
- ✧ California Civil Practice (for available topical libraries)
- ✧ All major law reviews and journals

Another feature of Westlaw is the research friendly Graphical KeyCite citation service. A graphical display of the history of a case that is easy to read is available for each citation research result. This display permits immediate representation of the interrelationships between the cited cases.

On your next visit to the Library, please be sure to try the expanded Westlaw. Our reference staff is eager to help you on your way to an enhanced research experience. 

JUSTICE O'CONNOR & RECENT SUPREME COURT CASES

by John Patrick Quigley

Justice O'Connor's retirement - and the President's nomination of Justice John Roberts to replace her - has generated speculation on possible future opinions from the U.S. Supreme Court. In reviewing recent important decisions by that Court, we take the opportunity to mention O'Connor's significant role. She has most often been included in majority decisions, providing a swing-vote between conservative and liberal positions. For example, see our article: "AFFIRMATIVE ACTION, DISCRIMINATION & DIVERSITY", published in the November 2003 edition of *The Transcript* (www.oc.ca.gov/lawlib/TRANS11-03.pdf), which discussed *Gratz v. Bollinger*, 123 S. Ct. 2411, 156 L. Ed.2d 257, and *Grutter v. Bollinger*, 123 S. Ct. 2325, 156 L. Ed.2d 304. However, sometimes described as a "moderate conservative", Justice O'Connor authored two minority opinions in the 2004-2005 term that were joined by conservative Justices, which opposed encroachment on individual rights by both national and local government.

MEDICAL MARIJUANA

Gonzales v. Raich, 125 S. Ct. 2195, 162 L. Ed.2d 1, decided June 6, 2005, is not about the pros and cons of medical marijuana and did not discuss the constitutionality of Proposition 215, which legalized its use in California. It is about the extent of Congress's power to regulate interstate commerce. The majority (6-3) opinion, written by Justice Stevens, concluded that Congress had a "rational basis" for believing that federal anti-drug legislation was a "necessary and proper" exercise to regulate interstate commerce under Article I, Sections 8.3 and 8.13 of the U.S. Constitution.

Justice O'Connor, joined by Chief Justice Rehnquist and Justice Thomas, dissented from the majority opinion and its acceptance of Congress's "bare declarations" regarding necessity without any offer of proof. She did not question prior cases which liberally expanded the regulation of interstate commerce to include regulation of purely local economic activities that might affect interstate commerce. But she did question the majority's "breathtaking" definition of economic activity, which she asserts "threatens to sweep all of produc-

tive human activity into federal regulatory reach."

"Even if intrastate cultivation and possession of marijuana for one's own medicinal use can properly be characterized as economic, and I question whether it can, it has not been shown that such activity substantially affects interstate commerce. Similarly, it is neither self-evident nor demonstrated that regulating such activity is necessary to the interstate drug control scheme."

EMINENT DOMAIN

Kelo v. City of New London 125 S. Ct. 2655, 162 L. Ed. 2d 439 decided June 6, 2005, involved a city's taking by eminent domain of private property, in order to transfer it to another private party, who was expected to generate greater tax revenues and employment opportunities. This was pursuant to state statute and approved by the Connecticut Supreme Court. Petitioner argued that this violated the Fifth Amendment of the U.S. Constitution, made applicable to the states by the Fourteenth Amendment. The U.S. Supreme Court's majority (5-4) opinion, again authored by Justice Stevens, also approved of the city's action. It relied on prior cases which had held that a "public purpose" satisfied the "public use" requirement of the Fifth Amendment.

Justice O'Connor, joined by Chief Justice Rehnquist and Justices Thomas and Scalia, dissented. She argued that the prior cases based on a "public purpose" corrected situations that were harmful to the public, not transfer between private parties for possible economic benefits to the public. She asserted that "nearly all real property is susceptible to condemnation on the Court's theory."

GOVERNMENT & RELIGION


McCreary County, Kentucky v. American Civil Liberties Union of Kentucky 125 S. Ct. 2722, 162 L. Ed. 2d 729, and *Van Orden v. Perry* 125 S. Ct. 2854, 172 L. Ed 2d 607, both decided June 27, 2005, provide opposite results (both by 5-4 decisions) about government's involvement in promoting religion. In these cases, Justice O'Connor sided with liberal Justices: Ginsburg, Stevens and Souter (who wrote the Court's *McCreary* opinion), in adamantly opposing any connection between the government and relig-

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“Callin’ You Out to Play”

by Steven Nadolny, Catalog Technician

And call and play they did! Eight dedicated Orange County Public Law Library staff volunteers spent the day “Callin’ You Out to Play” – this year’s Orange County Fair theme. Though they couldn’t give legal advice, staffers were stationed in the Orange County Agency building in varying shifts between 10 a.m. to 11 p.m. on Sunday, July 31st. Handing out California State Bar pamphlets and our own Orange County Public Law Library brochure to an eager public, their “meeting and greeting” helped to raise public awareness for OCPLL.

Though this was our fifth year participating in the Fair, that there is an Orange County Public Law Library still surprised many. To many we remain a secret. But in talking with fairgoers amidst the games, rides, food and fun, staffers enjoyed the opportunity to “Play” and hopefully educate our potential patrons. Many are looking forward to going back next year. So, “See You at the Fair!” 

LOOKING AT THE WEB

by Mora Prestinary, Reference Librarian



RECENT SUPREME COURT CASES

<http://www.supremecourt.us.gov/opinions/04slipopin.html>

- Medical Marijuana Cases on the Internet
Gonzales v. Raich, 125 S. Ct. 2195, 6/6/05:
- Eminent Domain
Kelo v. New London, 125 S. Ct. 2655, 6/23/05
- Government & Religion
McCreary County, Kentucky v. ACLU of Kentucky, 125 S. Ct. 2722, 6/27/05
Van Orden v. Perry, 125 S. Ct. 2854, 6/27/05

FEDERAL SENTENCING GUIDELINES MANUALS:
U.S. SENTENCING COMMISSION
<http://www.ussc.gov/GUIDELIN.HTM>


AMENDMENTS TO THE SENTENCING GUIDELINES
<http://www.ussc.gov/2003guid/2003amendments.pdf>



Justice O’Conner
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ion. The “swing-vote” was Justice Breyer, sometimes described as a “moderate liberal”, who played the same role (with O’Connor) in the above-mentioned affirmative action cases.

Breyer’s changing position seems contradictory, but he emphasizes evidence of government motivation, which precludes objective standards. We mentioned the McCreary case in our article: “RELIGION & LAW”, in the November 2004 *Transcript* (www.oc.ca.gov/lawlib/TRANS11-04.pdf). It seemed clear to us then, and apparently seems clear to Justice Breyer now, that the County was intent on promoting religion and its actions amounted to subterfuge.

On the other hand, it seems foolish to deny, or even ignore, the influence of religion on our history. In the Van Orden case, the Ten Commandments monument was in a large park with 17 other monuments and 21 historical markers. Breyer called it a “borderline case” and emphasized that the Texas monument had been in place for 40 years without any known objections until this lone plaintiff, Van Orden, came along. Justice Breyer was concerned that a ruling hostile to religion “might well encourage disputes concerning the removal of longstanding depictions of the Ten Commandments from public buildings across the Nation. And it could thereby create the very kind of religiously based divisiveness that the Establishment Clause seeks to avoid.” (Although not mentioned by Justice Breyer, the plaintiff is reportedly a homeless and suspended attorney, not the formidable ACLU.) 



Access our on-line catalog
at
<http://ocll.ocgov.com/search>

STAFF NEWS

We welcome two new employees to the Public Services evening staff:

ALAN HU

Alan comes to us from the Los Angeles County Law Library, where he has worked part-time for the last five years – and continues to do so – doing pretty much the same thing as he does here. (Almost 6 feet tall, he's especially good at shelving books on those top shelves.) He does like helping on the reference desk in the evenings, which is when he works.

Alan's parents emigrated from Taiwan, and he has visited there, and also Japan and Australia, with them and his older sister. He graduated from high school at Alhambra, where he was on the basketball team. He also had his own business selling merchandise on eBay for over four years, while attending community colleges in Pasadena and Glendale. In his spare time, he likes to dabble in computer art and tinker with cars (he's especially proud of having put together an automobile engine).

Alan is currently attending the University of California at Irvine, majoring in psychology. He isn't sure what he wants to do with the rest of his life, but being our youngest staff member, he has time to figure that out.

ELIZABETH HARMON

Elizabeth is one of seven sisters. After graduating from Sunny Hills High School in Fullerton, she spent two years at Fairview Mental Hospital (working). She was inspired to take a three-month trip to Mexico, going as far as possible with a donkey ride into the Yucatan jungle to visit Mayan ruins.

She saved money from odd jobs in Los Angeles and England, the beginning of a two-year world tour. With fellow free spirits, she traveled by VW bus through Mideastern countries populated by suspicious Turks, frightening Iranians, friendly Afghans (who wanted to make her their "guest of honor"), and a Pakistani prince. She stayed for a year in Nepal, with frequent trips to India to conduct business and bathe in the Ganges.

She returned to recover on the sands of Sunset Beach, then visited Idyllwild. There, she married, raised two sons, and started a twenty-year career working in libraries. After her husband died in an automobile accident, she traveled around the country and in England, visiting her sons and three grandchildren. She settled back in Orange County to obtain a Bachelor's degree in Liberal Science, with a history minor, at Cal Poly Pomona. 📖



Ask a Librarian

Question of the Quarter

by Mora Prestinary, Reference Librarian

Q: My fiance is incarcerated. Can we get married before he is sentenced?

A: According to the publication titled *California State Prisoners Handbook* GEN3 KFC1181.5 .C35 2001 third edition authored by Steven Fama, Heather MacKay, Michael R. Snededer and James F. Smith & The Prison Law Office, published by the Prison Law Office:

The right of prisoners to marry is specifically guaranteed by California Penal Code §2601(f). This can be read on the internet at the following link

<http://www.leginfo.ca.gov/calaw.html>

"...To get married, a prisoner must obtain a marriage license from the county clerk and then arrange for the actual marriage ceremony to take place. To arrange a marriage, a prisoner should contact the correctional counselor or other staff member designated by the prison to process marriage requests. The counselor should notify the prisoner of the legal requirement, help obtain approval for the wedding ceremony and coordinate efforts to get gate clearances for the wedding guests and the clergy to enter the prison. Generally, a marriage may be performed by any priest, rabbi, or minister of any denomination, and attended by two inmate and 10 non-inmate guests." p. 58 📖

JUST FOR FUN

Match Wits with Mensa

If you can figure out this brain-teaser, you'll do better than 47% of the Mensa members who were asked the question. It is not a trick question, and seems obvious - after you know the answer. (From the *Mensa Genius Quiz Book*. Mensa is a club of people with high IQs.)

"You are driving alone on a dark night and pass through Dogpatch (you can see its name on the City Hall). About half an hour later, you reach a five-way crossroads, but the sign has been uprooted and is lying in such a position that you cannot tell exactly how it stood. How do you find out which of the crossroads leads to Crosspatch, your destination?"

Answer to Match Wits with Mensa:

Pick up the signpost, point the sign to Dogpatch back the way you came, and all of the other signs will also point the right way. 📖

TECHNOLOGY AT ORANGE COUNTY PUBLIC LAW LIBRARY

PUBLIC COMPUTER STATIONS

LEGAL RESEARCH PROGRAMS

Within titles
Authority-Matthew Bender titles
Shepard's
Premise- Rutter Group

INTERNET ACCESS & DATABASES

LegalTrac- Legal Periodical
Citations
HeinOnLine- Federal Register,
U.S. Reports,
Law Reviews, Treaties
CEB Practice Libraries

LLMCDigital- Federal Documents
Westlaw- All States & Federal, Keycite
Shepards

CD-ROM VIEWING STATION

WORD PROCESSOR

CONFERENCE/TRAINING ROOM

35 person capacity
Internet-ready
Projector/screen
Wired for laptops

OCPLL will be closed for the following Court Holidays

September 5, Labor Day
October 10, Columbus Day
November 11, Veterans Day
November 24 & 25, Thanksgiving Holiday

Regular Library Hours

Monday-Thursday	8 am-8 pm
Friday	8 am-6 pm
Saturday	9 am-6 pm

Closed Sundays and Court Holidays

The Orange County Public Law Library
derives its income from a portion of the filing fees in civil cases heard in the
Superior Courts of Orange County, rather than from general tax funds.

Transcript Staff

Maria Arredondo
Steven Nadolny
Mora Prestinary
John Quigley
Editor
Victoria Garrott-Collins

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